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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,080	09/04/2001	Junko Fukuda	213304US6	1165
22850	7590	12/27/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CASCHERA, ANTONIO A	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,080

Applicant(s)

FUKUDA ET AL.

Examiner

Antonio A. Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-9,11,13-17,19,21-25,27 and 29-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11,13-17,19,21-25,27 and 29-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10/11/2005.

### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohishi et al. (U.S. Patent 5,742,341) in view of Toyoizumi et al. (U.S. Patent 6,633,336 B2).

In reference to claims 1, 3, 9, 11, 17, 19, 25 and 27, Ohishi et al. discloses a video camera having a monitor screen which is allowed to rotate relative to the camera body about a hinge (see column 1, lines 8-10 and 34-36). Ohishi et al. discloses the video camera made up of multiple housing portions, one of which comprises a first group of buttons such as, an on/off switch,

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starting and stopping video recording, a still-image production button and a zoom button (see column 8, lines 1-8 and #11a-d of Figure 10). Ohishi et al. discloses another housing portion comprising a second group of lesser utilized buttons such as, a focusing button, a background light button, a fade button and a self-timer button (see column 8, lines 9-23 and #11e-h of Figure 10). Note, the Office interprets the fourth housing, comprising the second group of buttons as described above, functionally equivalent to the main body having a keyboard mounted thereon of Applicant's claims. Ohishi et al. also discloses the monitor screen, connected to the fourth housing, to operate in the folding and turning directions (see Figures 4-9). Ohishi et al. further discloses the monitor screen back surface close to the main body of the video camera, and still allowing for the first group of buttons to be utilized (see Figure 9 and #11a-d of Figure 10). Ohishi et al. also discloses the monitor screen close to the main body of the video camera, and still allowing for the second group of buttons to be utilized, the second group of buttons being the opposite left/right directional side of the display (see Figure 9 and #11e-h of Figure 10). Further, the Office interprets the camera of Ohishi et al. to inherently comprise of some sort of operating system and programs executed on the operating system, for example, programs to control the video and still capturing modes activated by the buttons 11b and 11c of Figure 10. Although Ohishi et al. discloses the first and second groups of buttons located outside the monitor screen body (see #3 and 11 of Figure 11), Ohishi et al. does not explicitly disclose the second group of buttons located on the display body but outside of and operating independently of contact with the screen. Toyozumi et al. discloses a video camera comprising buttons located on the display housing of the camera (see columns 1-2, lines 65-11 and Figure 3). Toyozumi et al. discloses these buttons (SW1-5 of Figure 3) corresponding to a menu of functions (operation

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contents) appearing above and corresponding to each button (see lines 1-11 of column 2 and Figure 3). Toyoizumi et al. explicitly discloses depressing one of the switches to attain the displayed operation (see column 2, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the operating means configuration of Toyoizumi et al. with the video camera device of Ohishi et al. in order to provide an image pickup apparatus type device with the characteristics of easy to operate and good operability (see column 2, lines 19-24 of Toyoizumi et al.). Further, in reference to claims 9, 11, 25 and 27, Toyoizumi et al. further discloses the device comprising a microcomputer for controlling video processing signals to the display (see column 5, lines 22-52 and #9 of Figure 5), which the Office interprets functionally equivalent to the display controller of Applicant's claims. Further, in reference to claims 17, 19, 25 and 27, the menu displayed in Toyoizumi et al. shows such items associated with playback of video which may also be interpreted as configuring the hardware motors of the video playback device (fast forward, rewind for example) and configuring playback on/off with the stop/play buttons or configuring the state of communication of the device to the user.

In reference to claims 5, 6, 13, 14, 21, 22, 29 and 30, Ohishi et al. and Toyoizumi et al. disclose all of the claim limitations as applied to claims 1, 3, 9, 11, 17, 19, 25 and 27 respectively above. Although Ohishi et al. discloses the buttons of the first group operable by pressing them (see column 8, lines 45-51 and Figures 14 and 15), neither Ohishi et al. or Toyoizumi et al. explicitly disclose their buttons to be rotated and pressed. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement a rotatable type button in the video camera devices of Ohishi et al. and Toyoizumi et al. Applicant has not disclosed

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that specifically implementing a rotatable type button provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with "classic" switch types of Ohishi et al. and Toyozumi et al. because the exact type of switch implemented and used for a particular purpose is a matter of design choice as preferred by the designer and to which best suits the application at hand. Therefore, it would have been obvious to one of ordinary skill in this art to modify Ohishi et al. and Toyozumi et al. to obtain the invention as specified in claims 5, 6, 13 and 14.

In reference to claims 7, 15, 23 and 31, Ohishi et al. and Toyozumi et al. disclose all of the claim limitations as applied to claims 1, 9, 17 and 25 respectively above. Toyozumi et al. discloses the camera device comprising a mode switch which selects the operating mode of the camera and displays an appropriate menu (see column 2, lines 1-11). The Office interprets that since this switch displays a menu for the appropriate menu, it therefore also inherently cancels the display of the previous menu for displaying a new menu, on changing of the state of the switch.

In reference to claims 8, 16, 24 and 32, Ohishi et al. and Toyozumi et al. disclose all of the claim limitations as applied to claims 1, 9, 17 and 27 respectively above. Toyozumi et al. discloses buttons (SW1-5 of Figure 3) corresponding to a menu of functions (operation contents) appearing above and corresponding to each button (see lines 1-11 of column 2 and Figure 3). These operations are seen as functionally equivalent to the, "processing item[s] relating to operation modes" in the claims.

In reference to claims 33-36, Ohishi et al. and Toyoizumi et al. disclose all of the claim limitations as applied to claims 17, 19, 25 and 27 respectively above. Although Toyoizumi et al. discloses these buttons (SW1-5 of Figure 3) corresponding to a menu of functions (operation contents) appearing above and corresponding to each button (see lines 1-11 of column 2 and Figure 3), neither Ohishi et al. nor Toyoizumi et al. explicitly disclose the menu items configuring an external monitor output, a television output, screen luminance, or output volume. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the external monitor output, television output, screen luminance or output volume menu items in the menu display of Toyoizumi et al. as such menu items can be written in software and customizable to perform a number of desired operations. Applicant has not disclosed that specifically allowing the options for external monitor output, television output, screen luminance or output volume provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the basic menu display of Toyoizumi et al. because the exact configuration of software items displayed in a menu is a matter of design choice as seen by the designer and to which best suits the application at hand. Further, such menus are software written and can be configured to perform a number of desired operations. Therefore, it would have been obvious to one of ordinary skill in this art to modify Toyoizumi et al. to obtain the invention as specified in claims 33-36.

4. Claims 37-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohishi et al. (U.S. Patent 5,742,341), Toyoizumi et al. (U.S. Patent 6,633,336 B2) and further in view of Miyake et al. (U.S. Patent 6,683,653 B1).

In reference to claims 37-44, Ohishi et al. and Toyoizumi et al. disclose all of the claim limitations as applied to claims 1, 3, 9, 11, 17, 19, 25 and 27 respectively above. Although both Ohishi et al. and Toyoizumi et al. discloses the buttons or switches of their respective inventions as being pressable buttons, instructing the device to perform numerous operations and displaying system menus showing processing items (see column 8, lines 1-32 and Figures 10 and 11 of Ohishi et al. and columns 1-2, lines 65-11 and Figure 3 of Toyoizumi et al.), neither explicitly disclose the second group of buttons or operating means as a control dial however Miyake et al. does. Miyake et al. discloses an electronic camera and a dial type control configured thereto (see column 1, lines 7-15). Miyake et al. explicitly discloses a dial control which is next to the display and apart of the display body and is capable of rotating clockwise or counter clockwise to select a mode of operation, leading to the mode of operation being shown on the display (see column 7, lines 6-14, column 11, lines 20-22, 30-35, columns 11-12, lines 66-6 and #54 of Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the dial type control on the camera device of Miyake et al. with the operating means configuration of Toyoizumi et al. and video camera device of Ohishi et al. in order to improve on the operation of video camera devices implementing a dial type control which is easy to operate and inputs a variety of commands (see column 2, lines 1-5 of Miyake et al.).

#### ***Response to Arguments***

5. Applicant's arguments, see pages 20-25 of Applicant's Remarks, filed 09/01/05, with respect to the prior art rejection of the claims based upon Bird have been fully considered and are persuasive. The prior art rejection of claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27 and 29-44 has



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been. However, upon further consideration, a new ground(s) of rejection is made in view of Ohishi et al., Toyozumi et al. and Miyake et al.. Note, further arguments and proposed claim amendments presented in the Interview conducted on 08/23/05 aided in withdrawal of the previous art rejections.

6. Applicant's arguments, see pages 19-20 of Applicant's Remarks, filed 09/01/05, with respect to the 112 1<sup>st</sup> paragraph rejection of the claims have been fully considered and are persuasive. The 112 1<sup>st</sup> paragraph rejection of claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27 and 29-44 has been withdrawn since claim amendments presented in the amendment filed 10/11/05, in conjunction with the filing of an RCE, have rendered the claim language to comply with the specification, specifically the second operating means being on "opposite left or right" sides of the display.

### *References Cited*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Kishida et al. (U.S. Patent 6,933,981 B1)
  - Kishida et al. discloses an electronic apparatus, such as a laptop computer, comprising a swivel and detachable camera device.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.

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The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

aac  
*AM.*

12/14/05